

REMARKS

In the Office Action, the Examiner allows claims 1-19; rejects claims 20, 27 and 28 under 35 U.S.C. § 102(b) as anticipated by CROWSON et al. (U.S. Patent Application Publication No. 2002/0000930); rejects claims 21-23, 25, and 26 under 35 U.S.C. § 103(a) as unpatentable over CROWSON et al. in view of AGRE et al. (U.S. Patent No. 6,073,013); and rejects claim 24 under 35 U.S.C. § 103(a) as unpatentable over CROWSON et al. in view of COPLEY (U.S. Patent No. 6,639,516). Applicant respectfully traverses the rejections under 35 U.S.C. §§ 102 and 103.

Applicant appreciates the indication by the Examiner that claims 1-19 are allowed.

By the present Amendment, Applicant amends claims 16, 20, 22, and 23 to improve form, and cancels claim 21, without prejudice or disclaimer. No new matter has been added. Claims 1-20 and 22-28 are pending, of which, claims 1-19 are allowed.

Claims 20, 27, and 28 stand rejected under 35 U.S.C. § 102(a) as allegedly anticipated by CROWSON et al. Applicant respectfully traverses the rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. CROWSON et al. does not disclose or suggest the combination of features recited in claims 20, 27, and 28.

Independent claim 20, as amended, is directed to a server comprising a database configured to store information associated with a plurality of users of the locator devices, the information including contact information and a physical descriptor associated with

each of the users; and information associated with a plurality of designated locating parties. The server also comprises a processing device configured to receive a signal from a locator device associated with a first one of the users; identify contact information and a physical descriptor associated with the first user and stored in the database; and determine, using the stored information associated with the designated locating parties, a designated locating party that is nearest to a location of the locator device based on the received signal. The processing device is further configured to convey the identified contact information and the identified physical descriptor associated with the first user to the nearest designated locating party. This combination of features is not disclosed or suggested by CROWSON et al.

For example, CROWSON et al. fails to disclose or suggest a processing device that is configured to convey the identified contact information and the identified physical descriptor associated with the first user to the nearest designated locating party, as required by claim 20. The Examiner relies on paragraph 34 of CROWSON et al. as support for the rejection of claim 20 (Office Action, p. 2).

Paragraph 34 of CROWSON et al. discloses:

As indicated above, the database 66 stores profile information for each user of the location detection service. For example, a carrier of a position sensing system 52 may wish to activate a button on the two-way pager 56 that causes his or her current location to be stored in the database and accessed by a few key individuals. What to do with the location information and the identity of the users and their passwords as to who can access the information are therefore stored in the database 66. Alternatively, if the user presses another button on the two-way pager 56, the location database 66 stores a rule that causes the location determination service 64 to contact an emergency agency and have emergency personnel dispatched to the user's location. In addition, the database 66 may store a physical description of the carrier of the position-sensing device 52 so that this information can be given to emergency personnel if desired.

This portion of CROWSON et al. discloses that a database 66 stores profile information for a carrier of a position sensing system 52 in connection with a location detection service 64. Database 66 stores a physical description of the carrier, which can be provided to emergency personnel who are contacted by location detection service 64 for dispatching to the user's location. Nowhere in this portion, or elsewhere, however, does CROWSON et al. disclose or suggest a processing device that is configured to convey the identified contact information and the identified physical descriptor associated with the first user to the nearest designated locating party, as required by claim 20.

The above feature of claim 20 is similar to a feature previously recited in claim 21. With respect to that claim, the Examiner asserts that AGRE et al. discloses directing calls to the nearest emergency services center, citing the abstract of AGRE et al., as support (Office Action, p. 4). The relevant portion of the abstract of AGRE et al. discloses a system that "identifies any emergency services numbers called, such as 911, and directs such calls to the nearest emergency services center to the current location of the subscriber unit." Nowhere in the abstract, or elsewhere, however, does AGRE et al. disclose or suggest a processing device that is configured to convey the identified contact information and the identified physical descriptor associated with the first user to the nearest designated locating party, as required by claim 20.

For at least the foregoing reasons, Applicant submits that claim 20 is not anticipated by CROWSON et al. Furthermore, Applicant submits that claim 20 is patentable over CROWSON et al. and AGRE et al., whether taken alone or in any reasonable combination.

Claims 27 and 28 depend from claim 20 and are, therefore, not anticipated by CROWSON et al. for at least the reasons given with respect to claim 20.¹ Claims 27 and 28 are also patentable over CROWSON et al. and AGRE et al., whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 20, by virtue of their dependency from claim 20.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 20, 27, and 28 under 35 U.S.C. § 102(a) based on CROWSON et al.

Pending claims 22, 23, 25, and 26 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CROWSON et al. and AGRE et al. Applicant respectfully traverses the rejection.

Claims 22, 23, 25, and 26 depend from claim 20 and are, therefore, patentable over CROWSON et al. and AGRE et al., whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 20.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 22, 23, 25, and 26 under 35 U.S.C. § 103(a) based on CROWSON et al. and AGRE et al.

Claim 24 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CROWSON et al. and COPLEY. Applicant respectfully traverses the rejection.

Claim 24 depends from claim 20. The disclosure of COPLEY does not cure the deficiencies in the disclosure of CROWSON et al. set forth above with respect to claim

¹ As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

20. Claim 24 is, therefore, patentable over CROWSON et al. and COPLEY, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 20.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 24 based on CROWSON et al. and COPLEY.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and allowance of claims 1-20 and 22-28.

As Applicant's remarks with respect to the Examiner's rejections overcome the rejections, Applicant's silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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